

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

TIMOTHY C. HARRY and
KAREN C. HARRY

Plaintiffs

v.

AMERICAN BROKERS CONDUIT,
APEX MORTGAGE SERVICES,
FIDELITY NATIONAL TITLE GROUP,
FIDELITY NATIONAL FINANCIAL, INC.)
FIDELITY NATIONAL TITLE CO.)
AMERICAN HOME MORTGAGING)
SERVICING, INC., HOMEWARD)
RESIDENTIAL, MORTGAGE)
ELECTRONIC REGISTRATION)
SYSTEMS, INC., DEUTCSHE BANK)
NATIONAL TRUST COMPANY AS)
TRUSTEE FOR AMERICAN HOME)
MORTGAGE ASSETS TRUST 2007-2)
MORTGAGE-BACKED PASS-THROUGH)
CERTIFICATES, SERIES 2007-2,)
OCWEN LOAN SERVICING, LLC)

Defendants

CIVIL ACTION NO. 16-10895

**MOTION TO COMPEL DEFENDANT OCWEN TO PRODUCE RESPONSE TO
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

Plaintiffs Timothy C. Harry and Gretchen C. Harry hereby, through their attorney,
request this Honorable Court to compel Defendant Ocwen to produce responses to Plaintiffs'
First Request of Interrogatories and First Request for Production of Documents.

The Court's Order issued May 8, 2017 [Doc. 138] set forth the scheduling deadlines for
Plaintiffs and Defendant to complete the various stages of discovery. Pursuant to said Order,

Plaintiffs and Defendant each submitted to the other their respective First Request for Interrogatories and First Request for Production of Documents by the deadline July 28, 2017. Pursuant to the Court Order, the response deadline to the First Request of Interrogatories and First Request of Production for Documents was August 31, 2017.

Pursuant to the Court Order, Plaintiffs submitted their response to Defendant's First Request of Interrogatories and complied with Defendant's First Request for Production of Documents on August 28, 2017 by mailing said responses to interrogatories and production of documents via first class mail.

Defendant Ocwen has not submitted its response to Plaintiffs' First Request of Interrogatories and First Request for Production of Documents as of September 15, 2017.

Plaintiffs and Defendant did jointly petition the Court to amend the scheduling deadlines for discovery [Doc. 148] because neither party has had the opportunity to depose individuals involved in the dispute thereby moving all other said deadlines. Defendant did not request and Plaintiff has never granted an extension of time for Defendant to respond to Plaintiffs' First Request of Interrogatories and Plaintiffs' First Request for Production of Documents.

The delay in responding to Plaintiffs' Request for Interrogatories and Production of Documents is prejudicial to Plaintiffs as Plaintiffs have reason to believe that material disclosed will result in Plaintiffs' amending Plaintiffs' pleadings. It is also prejudicial to Plaintiffs as Plaintiffs' life and future are on hold as the Defendant drags out the process of discovery to bring this matter to closure. Plaintiffs are entitled as a matter of right, to a quick and speedy trial. Further, Plaintiffs have reason to believe that Defendant may be purposely prolonging discovery due to recent reports regarding Defendant Ocwen's financial status and significant drop in the

Ocwen's price per share. Plaintiffs have been harmed by Defendant and to allow Defendant to prolong discovery is extremely prejudicial to Plaintiffs.

For the above forgoing reasons, Plaintiffs request this honorable Court to compel the Defendants to Respond to Plaintiffs First Request for Interrogatories and Production of Documents or, alternatively, to direct verdict in favor of the Plaintiffs.

Date: September 15, 2017

Respectfully submitted on behalf of
TIMOTHY C. HARRY and
GRETCHEN C. HARRY by their Attorney

/s/ Tina L. Sherwood

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CERTIFICATE OF SERVICE

Tina L. Sherwood, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 15, 2017.

/s/ Tina L. Sherwood

Tina L. Sherwood